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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,705	04/20/2007	Seiichiro Takai	JG-SU-5243/500577.20087	8982
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DUANE MORRIS LLP - NY PATENT DEPARTMENT 1540 BROADWAY NEW YORK, NY 10036-4086				
EXAMINER				
CHAUDRY, ATIF H				
ART UNIT		PAPER NUMBER		
3753				
MAIL DATE		DELIVERY MODE		
03/29/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,705

**Applicant(s)**

TAKAI, SEIICHIRO

**Examiner**

ATIF H. CHAUDRY

**Art Unit**

3753

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 December 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-10 and 12 is/are allowed.
- 6) ☒ Claim(s) 5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/03/2010 has been entered.

#### **Status of the claims**

2. Claim 5 is amended. Currently claims 5-10 and 12 are pending in this application.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takai (6382237) in view of Dorsemaine (5624204).

5. Takai (Fig. 1) discloses an underground water storage tank configured to be buried underground and to be capable of storing water such that the underground water storage tank comprises an internal storage sub-tank 11 comprising water bearing materials 12 coated with a first water-impermeable sheet 13, an outer water storage compartment defined by the first sheet 13 and a second water-impermeable sheet 19 and provided by coating second water bearing material 43 disposed around the internal

water storage sub-tank 11 with the second sheet 19 Takai discloses intake pipes 21, 42 penetrating through the first sheet 13 having non-return valve 31. Takai discloses second bearing materials completely filling the space between the first and second water-impermeable sheets 13, 19 such that second bearing materials will also absorb some of the soil pressure from outside the underground water storage tank but fails to disclose the second bearing materials as plates. Dorsemaine (Fig. 2) teaches a water reservoir comprising expanded-groove plates 12 stacked on one another providing mechanical strength to absorb soil pressure. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have provided the device disclosed by Takai with expanded groove plates as taught by Dorsemaine as art-recognized equivalent substitute water-bearing materials and to provide mechanical strength to absorb soil pressure.

***Allowable Subject Matter***

6. Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Regarding claims 6, the prior art fails to disclose an underground water storage tank comprising: an internal water storage sub-tank provided by coating an assembly of water-bearing materials obtained by combining multiple water-bearing materials with one another with a first water-impermeable sheet; soil pressure absorption plates provided outside the internal water storage sub-tank; and a second water-impermeable sheet for coating the soil pressure absorption plates and wherein vertical pipes coupled

by coupling pipes are embedded in soil absorption plates and check valves for intake pipes to the internal sub-tank are provided in the vertical pipes.

8. Regarding claim 7, the prior art fails to disclose an underground water storage tank comprising: an internal water storage sub-tank provided by coating an assembly of water-bearing materials obtained by combining multiple water-bearing materials with one another with a first water-impermeable sheet; soil pressure absorption plates provided outside the internal water storage sub-tank; and a second water-impermeable sheet for coating the soil pressure absorption plates; first intake pipes with check valves connecting the two sub-tanks, second intake pipes with check valves for connecting the outer sub-tank to outside the tank assembly having a perforated tube with a plurality of holes.

9. Claims 8-10, 12 are allowed.

10. Regarding claim 8, the prior art fails to disclose an underground water storage tank comprising: an internal water storage sub-tank provided by coating first water-bearing materials with a first water-impermeable sheet; second water bearing material provided outside the internal water storage sub-tank; and a second water-impermeable sheet for coating the second water bearing material; and a supply pipe having a higher end connected to the lower portion of outer tank such that a lower end of the supply pipe is connected to a management liquid measure for supplying water to the outer storage tank.

***Response to Arguments***

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection. Dorsemayne has been cited to show teaching of soil pressure plates as second water bearing material.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ATIF H. CHAUDRY whose telephone number is (571)270-3768. The examiner can normally be reached on Mon-Fri 8-5 Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hepperle can be reached on (571)272-4913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Atif H Chaudry/  
Examiner, Art Unit 3753  
3/23/2011

/John Rivell/  
Primary Examiner, Art Unit 3753